

Notice of Allowability

Application No.

10/695,288

Applicant(s)

GORDON ET AL.

Examiner

Jean D. Saintcyr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/17/07.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Detailed Action

1. Allowable Subject Matter

2. Claims 1-11 are allowed over prior art of record. The following is an examiner's statement of reasons for allowance:

With respect to independent claim 1, McLaren discloses a system and a method for creating and encoding a compressed picture which is larger than standard viewing size, as well as a method for creating the corresponding slice starting point. Kondo discloses a system that contains an audio encoder and a video encoder. But neither Kondo nor McLaren and any of cited references teach or suggest, alone or in combination the feature of "a controller, coupled to said video processor and said graphics processor, for selecting the graphics slices to be included in said bitstream and for adjusting the slice boundaries" as recited in combination with other features of independent claim 1.

With respect to independent claim 5, Kondo et McLaren disclose a system that contains electronic program guide. But neither Kondo nor McLaren and any of cited references teach or suggest, alone or in combination the feature of "local neighborhood equipment, coupled to said head end channel, for selecting said encoded video portion and said encoded guide graphics portion and producing a transport stream comprising said encoded video portion and said encoded guide graphics portion; a network, for carrying said transport stream to at least one receiver; and at least one receiver, coupled to said network, for processing said transport stream to form an interactive program guide" as recited in combination with other features of independent claim 5.

With respect to independent claim 10, McLaren discloses a system and a method for creating and encoding a compressed picture which is larger than standard viewing size, as well as a method for creating the corresponding slice starting point. Kondo

discloses a system that contains an audio encoder and a video encoder. But neither Kondo nor McLaren and any of cited references teach or suggest, alone or in combination the feature of “means for selecting said encoded video and audio portion and said encoded guide graphics portion, and producing a transport stream comprising said encoded video and audio portion and said encoded guide graphics portion” as recited in combination with other features of independent claim 10.

The dependent claims 2-4; 6-9 and 11 are allowed because are further limit independent/parents claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kondo et al (6,763,522) disclose a system and method for digital television electronic program guide.

McLaren et al (5,867,208) disclose an encoding system and method for scrolling encoded MPEG stills in an interactive television application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcy whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be

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reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr
01/4/2008.


Brian Pendleton
Supervisor Patent Examiner